

# HOUSE BILL 790

E4, E2  
HB 575/09 – JUD

0lr1214

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By: **Delegates Kramer, Barkley, Bates, Frank, Hecht, Heller, Ivey, Jenkins, Kelly, Manno, McConkey, Miller, O'Donnell, Shank, Smigiel, and Waldstreicher**

Introduced and read first time: February 9, 2010

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Limitation on Total Number of Diminution**  
3 **Credits – Primary Drug, Violent, and Sexual Offenders**

4 FOR the purpose of providing that a certain provision of law limiting a certain  
5 deduction from a term of confinement that can be earned applies to a certain  
6 single sentence as well as a certain consecutive or concurrent sentence; reducing  
7 the maximum total number of diminution credits that an inmate is allowed for a  
8 calendar month if the inmate's term of confinement includes a sentence for  
9 certain crimes; and generally relating to diminution credits.

10 BY repealing and reenacting, without amendments,  
11 Article – Correctional Services  
12 Section 3–701  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2009 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Correctional Services  
17 Section 3–704 and 3–708  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2009 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Correctional Services**

23 3–701.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 In this subtitle, “term of confinement” means:

2 (1) the length of the sentence, for a single sentence; or

3 (2) the period from the first day of the sentence that begins first  
4 through the last day of the sentence that ends last, for:

5 (i) concurrent sentences;

6 (ii) partially concurrent sentences;

7 (iii) consecutive sentences; or

8 (iv) a combination of concurrent and consecutive sentences.

9 3–704.

10 (a) An inmate shall be allowed a deduction in advance from the inmate’s  
11 term of confinement.

12 (b) (1) The deduction allowed under subsection (a) of this section shall be  
13 calculated:

14 (i) from the first day of commitment to the custody of the  
15 Commissioner through the last day of the inmate’s term of confinement;

16 (ii) except as provided in paragraph (2) of this subsection, at the  
17 rate of 10 days for each calendar month; and

18 (iii) on a prorated basis for any portion of a calendar month.

19 (2) If an inmate’s term of confinement includes a [consecutive or  
20 concurrent] sentence for a crime of violence as defined in § 14–101 of the Criminal  
21 Law Article or a crime of manufacturing, distributing, dispensing, or possessing a  
22 controlled dangerous substance in violation of §§ 5–602 through 5–609, § 5–612, or §  
23 5–613 of the Criminal Law Article, the deduction described in subsection (a) of this  
24 section shall be calculated at the rate of 5 days for each calendar month.

25 (c) A deduction under this section may not be allowed for a period during  
26 which an inmate does not receive credit for service of the inmate’s term of  
27 confinement, including a period:

28 (1) during which the inmate’s sentence is stayed;

29 (2) during which the inmate is not in the custody of the Commissioner  
30 because of escape; or

1           (3) for which the Maryland Parole Commission has declined to grant  
2 credit after revocation of parole or mandatory supervision.

3 3-708.

4           **(A)** [Notwithstanding any other provision of this subtitle] **EXCEPT AS**  
5 **PROVIDED IN SUBSECTION (B) OF THIS SECTION**, an inmate may not be allowed a  
6 **TOTAL** deduction under this subtitle of more than 20 days for a calendar month.

7           **(B)** **AN INMATE MAY NOT BE ALLOWED A TOTAL DEDUCTION UNDER**  
8 **THIS SUBTITLE OF MORE THAN 10 DAYS FOR A CALENDAR MONTH IF THE**  
9 **INMATE'S TERM OF CONFINEMENT INCLUDES A SENTENCE FOR:**

10           **(1)** **A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE**  
11 **CRIMINAL LAW ARTICLE;**

12           **(2)** **BEING A VOLUME DEALER IN VIOLATION OF § 5-612 OF THE**  
13 **CRIMINAL LAW ARTICLE;**

14           **(3)** **BEING A DRUG KINGPIN IN VIOLATION OF § 5-613 OF THE**  
15 **CRIMINAL LAW ARTICLE;**

16           **(4)** **IMPORTING CERTAIN CONTROLLED DANGEROUS SUBSTANCES**  
17 **IN VIOLATION OF § 5-614 OF THE CRIMINAL LAW ARTICLE; OR**

18           **(5)** **A CONVICTION FOR WHICH THE INMATE IS REQUIRED TO**  
19 **REGISTER UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE**  
20 **ARTICLE.**

21           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2010.